



Indian River County Florida

Draft Meeting Minutes

Board of County Commissioners

Indian River County
Administration Complex
1801 27th Street, Building
A
Vero Beach, Florida,
32960-3388
www.ircgov.com

Peter O'Bryan, Chairman, District 4
Joseph H. Earman, Vice Chairman, District 3
Susan Adams, District 1
Joseph Flescher, District 2
Laura Moss, District 5

Jason E. Brown, County Administrator
Dylan Reingold, County Attorney
Jeffrey R. Smith, Clerk of the Circuit Court and Comptroller
Shauna James, Deputy Clerk

Tuesday, September 20, 2022

9:00 AM

Commission Chambers

1. CALL TO ORDER

Present: 5 - Chairman Peter O'Bryan
Vice Chairman Joe Earman
Commissioner Susan Adams
Commissioner Joseph Flescher
Commissioner Laura Moss

2.A. A MOMENT OF SILENT REFLECTION FOR FIRST RESPONDERS AND MEMBERS OF THE ARMED FORCES

2.B. INVOCATION

Dr. Christina Moore, Rhema Apostolic International Deliverance Center

3. PLEDGE OF ALLEGIANCE

Jason Brown, County Administrator

4. ADDITIONS/DELETIONS TO THE AGENDA / EMERGENCY ITEMS

Moved Item 13.B. to Item 9.C.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Agenda as amended. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

5. PROCLAMATIONS and PRESENTATIONS

5.A. Proclamation College Game Day In Indian River County September 20, 2022

Inaugural College Game Day was kicked off by Assistant County Administrator Mike Zito, along with Mariner Pete, representing Marine Bank from Pelican Island University, as the official mascot. Pep Bands from Vero Beach and Sebastian added fanfare to the festivity as the "Team" was introduced using a confetti cannon, the Commissioners, County Attorney, and County Administrator made their way to the dais donned in their favorite team's colors.

Chairman Peter O'Bryan recognized the Superintendent of Indian River County School District Dr. David Moore. Chairman O'Bryan introduced those students who were being celebrated for pursuing academic and athletic excellence at the collegiate level through the National Collegiate Athletic Association (NCAA).

Terri Amy, Athletic Director from Sebastian River High School made the presentation for the students.

The following people were also in attendance and spoke highly of the student athletes.

Coach Scott Barlow, Sebastian River High School Swim Coach
Coach Doug Bailey, Saint Edwards School LaCrosse Coach
Coach Lenny Jankowski, Vero Beach High Football Coach

A proclamation and a gift bag were given to the students who were in attendance.

No Action Taken or Required

Meeting went into recess at 9:53 a.m. and reconvened at 10:12 a.m. with all members present.

5.B. Introduction of Andrea Lazzari, UF IFAS Indian River County Extension Manager

Community Development Director Phil Matson introduced Andrea Lazzari, University of Florida Institute of Food and Agricultural Sciences (UF IFAS), as the new Indian River County Extension Manager. Ms. Lazzari stated she was looking forward to continuing to support the County's local agricultural producers and was excited to have the opportunity to work with the residents of Indian River County to foster an appreciation for, and an understanding of, local agriculture.

No Action Taken or Required

6. APPROVAL OF MINUTES**7. INFORMATION ITEMS FROM STAFF OR COMMISSIONERS NOT REQUIRING BOARD ACTION****7.A.** Proclamation Honoring Bruce Goodwyn On His Retirement After Forty-One Years of Public Service

Commissioner Chairman Peter O'Bryan recognized Bruce Goodwyn on his retirement after 41 years of service at the Property Appraiser's office.

No Action Taken or Required

7.B. Recycle Florida Today 2022 Award to Indian River County

Indian River County was awarded the 2022 Recycle Florida Today "Environmental Sustainability Award" for the Fellsmere Fridge Project. Sue Flak, Recycling Education Coordinator, remarked that the Fellsmere Fridge Project was one of three finalists in the National 2022 Environmental Sustainability Award contest.

Solid Waste Disposal District Managing Director Himanshu Mehta, commented he was proud of Ms. Flak and Recycling Specialist Jill Browns' hard work on the Community Fridge Project. He stated it was great to be recognized nationally with what had been done here locally.

Commissioner O'Bryan congratulated Ms. Flak on the success of the Community Fridge Project and was happy it had received national recognition.

No Action Taken or Required

8. CONSENT AGENDA

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve the Consent Agenda as presented. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

8.A. Blanket Travel Authorization for Commissioners, County Officers, and Staff for Fiscal Year 2022-2023 (October 1, 2022, through September 30, 2023)

Approved staff's recommendation

8.B. Second Extension and Amendment to Annual Bid 2021003 for Telecommunication Systems Equipment, Material, Supplies, Maintenance and Installation

Approved staff's recommendation

- 8.C.** Designation of Excess Equipment as Surplus and Authorization for Disposal
Approved staff's recommendation
- 8.D.** Consideration of the Livable Indian River County Action Plan
Approved staff's recommendation
- 8.E.** Purchase Agreement between Indian River County Habitat for Humanity, Inc., and Indian River County
Approved staff's recommendation
- 8.F.** 66th Avenue Phase II Roadway Improvements - Utility-Related Work
Approved staff's recommendation
- 8.G.** Acceptance and Approval of Expenditures of Emergency Management Program Grant (EMPG) Federally-Funded Subgrant Agreement; Agreement Number: G0371
Approved staff's recommendation
- 8.H.** Approval of Renewal of the Public Safety Communications System FX Software Services Agreement
Approved staff's recommendation
- 8.I.** Acceptance and Approval of Expenditures for Emergency Management Preparedness Assistance (EMPA) State-Funded Subgrant Agreement; Agreement #A0237
Approved staff's recommendation
- 8.J.** 2022/2023 State/County Contract Indian River County Health Department
Approved staff's recommendation

9. CONSTITUTIONAL OFFICERS and GOVERNMENTAL AGENCIES

9.A.

Indian River County Sheriff Eric Flowers re: False Alarms, Adult Arcades, Sober Homes/Addiction Facilities, and Residency Restrictions for Sexual Offenders

Sheriff Eric Flowers brought before the Board topics for discussion: 1) updating the False Alarm Ordinance; 2) adult arcades; 3) Sober Home regulations; and, 4) residency restrictions for sexual offenders.

Commissioner Susan Adams sought information from Sheriff Flowers on the language change for the proposed False Alarm Ordinance. Sheriff Flowers stated the change in the language would be to reflect what the department was currently doing, thus allowing them to be in compliance with the law.

Commissioner Adams then brought up the enforcement of adult arcades and the issue of the arcades handing out money instead of gift cards or non-monetary items. She received information from Sheriff Flowers that the number of arcades had outpaced available detectives, and he felt an Ordinance would be a better way to deal with enforcement.

Commissioner Adams sought and received information from County Attorney Dylan Reingold as to what could be done to regulate sober homes. Attorney Reingold commented there would be limitations based on the American Disabilities Act (ADA) and the Federal Fair Housing Act (FFHA) protections. Attorney Reingold stated he would work with the Sheriff to figure out what could be done within regulations. Chairman Peter O'Bryan added he had similar concerns and felt there were several counties and cities that had passed similar Ordinances which could serve as templates.

Additional comments were made by the Commissioners as each thanked Sheriff Flowers for bringing these discussion items before the Board.

Ms. Whitney Lehman, Executive Director at Florida Association of Recovery Residences (FARR), acknowledged there were definitely abusive providers. Ms. Lehman offered to provide the Ordinance language which required sober homes to seek accreditation and oversight from FARR.

George Colon, Recovery Resources Indian River County, thanked Sheriff Flowers and the Board for bringing awareness of the needs of sober home residents.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to direct the County Attorney and staff to work with the Sheriff's Department regarding the False Alarm Ordinance, the expansion of Adult Arcades, regulation of Sober Homes, and residency restrictions for sexual offenders. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

9.B. Indian River County Sheriff Eric Flowers re: FY22 Auction Proceeds and FY22 Offender Fees

Sheriff Flowers stated the surplus and vehicle auction netted \$21,274, and requested the approval of those funds to purchase new like-kind property. Additionally, he requested pursuant to Chapter 274 that the fees collected from sex offenders be spent on software, as well as upgrades to the equipment for use in the newly renovated interview rooms.

A motion was made by Commissioner Flescher, seconded by Chairman O'Bryan, to approve 1) the use the funds from the online auction to acquire like-kind property; and 2) to use the Offender Fee Reserve account to renew annual subscription for Offender Watch software, criminal investigation unit equipment and the child interview room. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

10. PUBLIC ITEMS

A. PUBLIC HEARINGS

PROOF OF PUBLICATION FOR THIS HEARING IS ON FILE IN THE OFFICE OF THE CLERK TO THE BOARD.

10.A.1.Local Provider Participation Fund (LPPF) Assessment Resolution
(ADMINISTRATIVE)

County Attorney Dylan Reingold presented the Local Provider Participation Fund (LLPF) Assessment Resolution. Attorney Reingold stated the Board had established in 2021, the LLPF to assist local hospitals in covering unreimbursed Medicaid expenses through the Florida Agency for Health Care Administration (AHCA). The proposed assessment were as follows: Cleveland Clinic \$2,281,523; Encompass Health \$216,606; and Steward Health Care System \$667,846.

Attorney Reingold stated his concern this program could negatively impact the County's Medicaid reimbursements and the legislative language still needed clarification. Commissioner Susan Adams sought and received confirmation that the County had not been negatively impacted so far.

Chairman Peter O'Bryan opened the Public Hearing.

The following people addressed the Board in favor of the Resolution:

Colleen Ernst, Adelanto Healthcare Ventures
Ron Bierman, President, Sebastian River Medical Center
Warren Fuller, Chief Financial Officer, Cleveland Clinic Indian River Hospital

There being no further comments, the Chairman closed the public hearing.

A motion was made by Commissioner Adams, seconded by Commissioner Moss, to approve staff's recommendation and Resolution 2022-056, authorizing and adopting a non-ad valorem special assessment within the county limits for the purpose of benefiting assessed properties through enhanced Medicaid payments for local services; finding and determining that certain real property is specially benefited by the assessment; collecting the assessment against the real property; establishing a public hearing to consider imposition of the proposed assessment and the method of its collection; authorizing and directing the publication of notices in connection therewith; providing for certain other authorizations and delegations of authority as necessary, and providing an effective date. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

B. PUBLIC DISCUSSION ITEMS**C. PUBLIC NOTICE ITEMS**

11. COUNTY ADMINISTRATOR MATTERS

12. DEPARTMENTAL MATTERS

A. Community Development

12.A.1. Amendments to the Variance criteria and application fees

Community Development Director Phil Matson stated that on August 16, 2022, the Board directed staff to re-examine the County’s Variance process. He stated staff looked at application fees, de-minimus setbacks, and the variance criteria. Director Matson proposed the following changes: 1) to reduce the application fee from \$1,000 to \$500 for small-scale applications; 2) increase the de-minimis setback variance to 1.0 feet from .5 feet; and 3) reduce the number of variance criteria from 8 to 4. In addition to streamlining the variance process, staff was considering several changes to the existing regulations for fences and accessory structures which would make the variance process unnecessary. He stated staff would return to the Board with a full recommendation.

Joseph Paladin of Black Swan Consulting spoke in support of the direction staff was taking to revise the Variance process.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve staff’s recommendation. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

Meeting went into Recess at 11:08 a.m. and reconvened at 11:16 p.m. with all members present.

B. Emergency Services

C. General Services

12.C.1.

Updated Draft Environmental Lands Program Guide for the November 2022 Environmental Land Bond Referendum

Director of Parks and Conservation Resources Beth Powell, and Conservation Lands Program Coordinator Wendy Swindell, utilized a PowerPoint presentation describing the timeline of the Environmental Land Bond Referendum. Ms. Powell referred to the March 8, 2022 meeting where staff was directed to update the Environmental Lands Program Guide (ELP Guide), and presented a summary of it's updated contents.

Discussion ensued throughout the presentation as Commissioners and staff posed questions and expressed views regarding the newly structured Environmental Lands Acquisition Panel (ELAP) and funding for land acquisitions.

Joseph Paladin, Chairman of the Land Use Committee, for the Indian River Neighborhood Association stated his support for staff and the draft Environmental Lands Program Guide.

Ken Gruden, Indian River Land Trust, commended staff and looked forward to collaborating on any fine tuning that may be necessary.

Commissioner Flescher appreciated the work staff had accomplished, yet due to the economic climate, he stated there was still work to be done before additional land is purchased.

A motion was made by Commissioner Moss, seconded by Chairman O'Bryan, to approve the draft Environmental Lands Program Guide and direct staff to consider incorporating comments made from discussions. The motion carried by the following vote:

Aye: 4 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, and Commissioner Moss

Nay: 1 - Commissioner Flescher

D. Human Resources**E. Information Technology****F. Office of Management and Budget****G. Public Works**

12.G.1.

Shoreline Performance Modeling, APTIM Work Order No. 2018008-04 (Item was tabled on Sept 13, 2022).

Public Works Natural Resource Manager Eric Charest utilized a PowerPoint presentation to summarize the purpose of the Inlet Management Plan (IMP) and detailed the goals, objectives, and history of the Sebastian Inlet Technical Advisory Committee (TAC). He reviewed the progress of the current TAC since December of 2021, with an intention to perform additional modeling to support bypassing a minimum of 95,000 cubic yards of sand to Indian River County's beaches, including Sector 3 and further south.

A lengthy discussion ensued as the Commissioners and staff posed questions and expressed support regarding the proposed modeling analysis, noting it was good start to determine what needed to be done. Commissioner Susan Adams restated her objection regarding involvement with the TAC.

James Gray, Sebastian Inlet District Administrator, noted that the sediment budget was updated annually and had been since 2007. Mr. Gray stated there was a significant amount of data available and wanted to bring that to everybody's attention as well and asked for that data to be considered.

A motion was made by Vice Chairman Earman, seconded by Commissioner Flescher, to approve staff's recommendation. The motion carried by the following vote:

Aye: 4 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Flescher, and Commissioner Moss

Nay: 1 - Commissioner Adams

H. Utilities Services**13. COUNTY ATTORNEY MATTERS****13.A.**

Construction Board of Adjustment and Appeals Member Appointment

County Attorney Dylan Reingold informed the Board that Cindy Dixon had submitted her resignation as a member of the General Public on the Construction Board of Adjustment and Appeals. Attorney Reingold stated a qualified application from Kathryn Casano-Radecke had been received and asked the Board to consider her application to fill the vacancy.

A motion was made by Commissioner Flescher, seconded by Commissioner Moss, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

13.B. Indian River County - St. Lucie County Interlocal Agreement for Pre-Trial Services

[Clerks note: Item 13.B. was heard as Item 9.C.]

County Attorney Dylan Reingold stated the Board had entered into a contract with St. Lucie County to operate a pre-trial services program which expired on September 30, 2022. Attorney Reingold stated St. Lucie County had sent an updated contract with the annual cost increasing from \$250,000 to roughly \$304,000. He stated it was his understanding Sheriff Flowers wanted to bring this program in-house starting January 1, 2023. Sheriff Flowers stated from a cost standpoint, it would be the fiscally conservative choice for the County. He commented he would not be asking for any additional money and it would be a reallocation of certain positions within the Sheriff's office.

A conversation ensued between Commissioner Flescher and Sheriff Flowers regarding the benefit to the agency, the community, and the judges.

A motion was made by Commissioner Flescher, seconded by Vice Chairman Earman, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

14. COMMISSIONERS MATTERS

- A. Commissioner Peter D. O'Bryan, Chairman**
- B. Commissioner Joseph H. Earman, Vice Chairman**
- C. Commissioner Susan Adams**
- D. Commissioner Joseph E. Flescher**
- E. Commissioner Laura Moss**

15. SPECIAL DISTRICTS AND BOARDS

- A. Emergency Services District**
- B. Solid Waste Disposal District**

15.B.1. Landfill Fence Project

There was no discussion on this Item.

A motion was made by Commissioner Adams, seconded by Chairman O'Bryan, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

15.B.2. Change Order No. 2 to Agreement with Biogas Engineering for a High Pressure Skid System

Solid Waste Disposal District Director Himanshu Mehta appreciated the Board's support for the renewable natural gas project.

A motion was made by Vice Chairman Earman, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

15.B.3. Amendment No. 1 to Payment Processing Services Statement of Work Agreement with nCourt, LLC

There was no discussion on this Item.

A motion was made by Commissioner Flescher, seconded by Commissioner Adams, to approve staff's recommendation. The motion carried by the following vote:

Aye: 5 - Chairman O'Bryan, Vice Chairman Earman, Commissioner Adams, Commissioner Flescher, and Commissioner Moss

C. Environmental Control Board

16. ADJOURNMENT

There being no further business, the meeting adjourned at 12:31 p.m.